

65TH CONGRESS,
2D SESSION.

H. R. 10367.

IN THE HOUSE OF REPRESENTATIVES.

MARCH 1, 1918.

Mr. KEATING introduced the following bill; which was referred to the Committee on the District of Columbia and ordered to be printed.

A BILL

To protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and to provide penalties for violation of this Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That it shall be unlawful to employ women in any occu-
4 pation within the District of Columbia for wages which are
5 inadequate to supply the necessary cost of living to maintain
6 them in health and to protect their morals; and it shall
7 be unlawful to employ minors in any occupation within the
8 District of Columbia for unreasonably low wages.

1 SEC. 2. That there is hereby created a board com-
2 posed of three members, which shall be known as the "Mini-
3 mum Wage Board"; and the word "board" as herein-
4 after used refers to and means said Minimum Wage Board:
5 and the word "member" as hereinafter used refers to and
6 means a member of said Minimum Wage Board. Said
7 members shall be appointed by the Commissioners of the
8 District of Columbia. The Commissioners of the District
9 of Columbia shall make their first appointment hereunder
10 within thirty days after this bill becomes a law; and of the
11 three members first appointed, one shall hold office until
12 January first, nineteen hundred and nineteen, and an-
13 other shall hold office until January first, nineteen hundred
14 and twenty, and the third shall hold office until January
15 first, nineteen hundred and twenty-one; and the commis-
16 sioners shall designate the terms of each of said three first
17 appointees. On or before the first day of January of each
18 year, beginning with the year nineteen hundred and nine-
19 teen, the commissioners shall appoint a member to suc-
20 ceed the member whose term expires on said first day of
21 January, and such new appointee shall hold office for the
22 term of three years from said first day of January. Each
23 member shall hold office until his successor is appointed and
24 has qualified; and any vacancy that may occur in the mem-
25 bership of said board shall be filled by appointment by

1 the Commissioners of the District of Columbia for the unex-
2 pired portion of the term in which such vacancy occurs.
3 A majority of said members shall constitute a quorum to
4 transact business, and the act or decision of such a majority
5 shall be deemed the act or decision of said board; and no
6 vacancy shall impair the right of the remaining members
7 to exercise all the powers of said board. The Commission-
8 ers of the District of Columbia shall, as far as practicable,
9 so select and appoint said members—both the original ap-
10 pointments and all subsequent appointments—that at all
11 times one of said members shall represent the interests of
12 the employing class and one of said members shall represent
13 the interests of the employed class, and the third of said
14 members shall be one who will be fair and impartial be-
15 tween employers and employees and work for the best
16 interests of the public as a whole.

17 SEC. 3. That the first members appointed under this
18 Act shall, within twenty days after their appointment, meet
19 and organize said board by electing one of their number as
20 chairman thereof and by choosing a secretary of said board;
21 and by or before the tenth day of January of each year, be-
22 ginning with the year nineteen hundred and nineteen, said
23 members shall elect a chairman and choose a secretary for
24 the ensuing year. Each such chairman and each such sec-
25 retary shall hold his or her position until his or her successor

1 is elected or chosen: but said board may at any time remove
2 any secretary chosen hereunder. Said secretary shall not
3 be a member, and said secretary shall perform such duties
4 as may be prescribed and receive such salary as may be fixed
5 by the board. None of said members shall receive any
6 salary as such. The board shall have power to employ
7 agents and such other assistants as may be necessary for the
8 proper performance of its duties. With the exception of
9 the secretary, all employees of the board shall be a part of
10 the classified civil service and shall enter the service under
11 such rules and regulations as may be prescribed by the board
12 and by the Civil Service Commission. All authorized and
13 necessary expenses of said board and all authorized and nec-
14 essary expenditures incurred by said board shall be audited
15 and paid as other District of Columbia expenses and ex-
16 penditures are audited and paid.

17 SEC. 4. That said board is hereby authorized and em-
18 powered to ascertain and declare, in the manner hereinafter
19 provided, the following things: (a) Standards of minimum
20 wages for women in any occupation within the District of
21 Columbia and what wages are inadequate to supply the nec-
22 essary cost of living to any such women workers and to
23 maintain them in good health and to protect their morals;
24 and (b) standards of minimum wages for minors in any

1 occupation within the District of Columbia and what wages
2 are unreasonably low for any such minor workers.

3 SEC. 5. That said board shall have full power and au-
4 thority to investigate and ascertain the wages of women and
5 minors in the different occupations in which they are em-
6 ployed in the District of Columbia; and said board shall have
7 full power and authority, either through any authorized
8 representative or any member, to inspect and examine any
9 and all books and pay rolls and other records of any employer
10 of women or minors that in any way appertain to or have a
11 bearing upon the question of wages of any such women or
12 minor workers in any of said occupations, and to require
13 from such employer full and true statements of the wages
14 paid to all women and minors in his employment.

15 SEC. 6. That every employer of women or minors shall
16 keep a register of the names of all women and all minors
17 employed by him, and of all payments made to such women
18 and minors and hours worked by them, whether paid by
19 the time or by the piece; and shall, on request, permit any
20 member or authorized representative of said board to inspect
21 and examine such register. The word "minor," as used in
22 this Act, refers to and means any person of either sex under
23 the age of eighteen years; and the word "woman," as used
24 in this Act, refers to and means a female person of or over
25 the age of eighteen years.

1 SEC. 7. That said board may hold meetings for the
2 transaction of any of its business at such times and places
3 as it may prescribe, and said board may hold public hearings
4 at such times and places as it deems fit and proper for the
5 purpose of investigating any of the matters it is authorized to
6 investigate by this Act. At any such public hearing any
7 person interested in the matter being investigated may ap-
8 pear and testify. The board or any member thereof shall
9 have power to administer oaths, require by subpoena the
10 attendance and testimony of witnesses, the production of all
11 books, registers, and other evidence relative to any matters
12 under investigation, at any such public hearing or at any
13 session of any conference held as hereinafter provided. In
14 case of disobedience to a subpoena the board may invoke the
15 aid of the Supreme Court of the District of Columbia in re-
16 quiring the attendance and testimony of witnesses and the
17 production of documentary evidence. In case of contu-
18 macy or refusal to obey a subpoena the court may issue an
19 order requiring appearance before the board, the production
20 of documentary evidence, and the giving of evidence touch-
21 ing the matter in question, and any failure to obey such order
22 of court may be punished by such court as a contempt thereof.
23 All witnesses subpoenaed by said board shall be paid the same
24 mileage and per diem as are allowed by law to witnesses in
25 civil cases in the Supreme Court of the District of Columbia.

1 SEC. 8. That if, after investigation, said board is of
2 opinion that any substantial number of women workers in
3 any occupation are receiving wages inadequate to supply
4 them with necessary cost of living and maintain them in
5 health and protect their morals, said board may call and
6 convene a conference for the purpose and with the powers
7 of considering and inquiring into and reporting on the sub-
8 ject investigated by such board and submitted by it to such
9 conference. Such conference shall be composed of not
10 more than three representatives of the employers in said
11 occupation and of an equal number of the representatives
12 of the employees in said occupation and of not more than
13 three disinterested persons representing the public and of
14 one or more members of the board. Said board shall name
15 and appoint all the members of such conference and desig-
16 nate the chairman thereof. Said board shall present to such
17 conference all the information and evidence in the posses-
18 sion or under the control of said board which relates to the
19 subject of the inquiry by such conference; and said board
20 shall cause to be brought before such conference any wit-
21 nesses whose testimony said board deems material to the
22 subject of the inquiry by such conference. After complet-
23 ing its consideration of and inquiry into the subject sub-
24 mitted to it by said board, such conference shall make and
25 transmit to said board a report containing the findings and

1 recommendations of such conference on said subject.
2 Accordingly as the subject submitted to it may require, such
3 conference shall, in its report, make recommendations con-
4 cerning the particular occupation under inquiry on standards
5 of minimum wages for women workers and what wages are
6 inadequate to supply the necessary cost of living to women
7 workers and maintain them in health and to protect their
8 morals. In its recommendations on a question of wages
9 such conference shall, where it appears that any substantial
10 number of women workers in the occupation under inquiry
11 are being paid by piece rates as distinguished from time
12 rate, recommend minimum piece rates as well as minimum
13 time rate and recommend such minimum piece rates as will,
14 in its judgment, be adequate to supply the necessary cost of
15 living to women workers of average ordinary ability and
16 maintain them in health and protect their morals, and in its
17 recommendations on a question of wages such conference
18 shall, when it appears proper or necessary, recommend suit-
19 able minimum wages for learners and apprentices and the
20 maximum length of time any woman worker may be kept
21 at such wages as a learner or apprentice, which said wages
22 shall be less than the regular minimum wages recommended
23 for the regular women workers in the occupation under
24 inquiry. Two-thirds of the members of any such conference
25 shall constitute a quorum, and the decision or recommenda-

1 tion or report of such conference on any subject submitted
2 shall require a vote of not less than a majority of all the
3 members of the conference.

4 SEC. 9. That upon receipt of any report from any
5 conference, said board shall consider and review the rec-
6 ommendations contained in said report; and said board
7 may approve any or all of said recommendations or disap-
8 prove any or all of said recommendations; and said board
9 may resubmit to the same conference, or a new conference,
10 any subject covered by any recommendations so disapproved.
11 If said board approves any recommendations contained in
12 any report from any conference, said board shall publish
13 notice, not less than once a week for four successive weeks
14 in not less than two newspapers of general circulation
15 published in the District of Columbia, that it will on a date
16 and at a place named in said notice hold a public meeting
17 at which all persons in favor of or opposed to said recom-
18 mendations will be given a hearing; and, after said publica-
19 tion of said notice and said meeting, said board may, in its
20 discretion, make and render such an order as may be proper
21 or necessary to adopt such recommendations and carry the
22 same into effect, and require all employers in the occupation
23 affected thereby to observe and comply with such recom-
24 mendations and said order. Said order shall become effec-

1 tive in sixty days after it is made and rendered and shall be
2 in full force and effect on and after the sixtieth day follow-
3 ing its making and rendition. After said order becomes
4 effective and while it is effective it shall be unlawful for any
5 employer to violate or disregard any of the terms or pro-
6 visions of said order or to employ any woman worker in any
7 occupation covered by said order at lower wages than are
8 authorized or permitted by said order. Said board shall,
9 as far as is practicable, mail a copy of any such order to
10 every employer affected thereby; and every employer af-
11 fected by any such order shall keep a copy thereof posted
12 in a conspicuous place in each room in his establishment in
13 which women workers work.

14 SEC. 10. That for any occupation in which only a mini-
15 mum time-rate wage has been established, said board may
16 issue to a woman physically defective or crippled by age or
17 otherwise impaired, a special license authorizing her em-
18 ployment at such wage less than said minimum time-rate
19 wage as shall be fixed by said board and stated in said
20 license.

21 SEC. 11. That said board may at any time inquire into
22 wages of minors employed in any occupation in the District
23 of Columbia and determine suitable wages for such minors.
24 When said board has made such determination, it may issue
25 an obligatory order in the manner provided for in section

1 nine of this Act, and after such order is effective it shall
2 be unlawful for any employer in said occupation to employ
3 a minor at less wages than are specified or required in
4 or by said order

5 SEC. 12. That the word "occupation" as used in this
6 Act shall be so construed as to include any business, industry,
7 trade, or branch of a trade. Any conference may make a
8 separate inquiry into and report on any branch of any
9 occupation, and said board may make a separate order
10 affecting any branch of any occupation.

11 SEC. 13. That said board shall from time to time in-
12 vestigate and ascertain whether or not employers in the
13 District of Columbia are observing and complying with
14 its orders, and take such steps as may be necessary to
15 have prosecuted such employers as are not observing or
16 complying with its orders.

17 SEC. 14. That to assist the board in carrying out this
18 Act the Commissioners of the District of Columbia shall at
19 all times give to said board any information or statistics in
20 their possession under the Act of Congress approved Feb-
21 ruary twenty-fourth, nineteen hundred and fourteen, en-
22 titled "An Act to regulate the hours of employment and
23 safeguard the health of females employed in the District of
24 Columbia." (Public numbered sixty, Sixty-third Congress.)

1 SEC. 15. That said board is hereby authorized and em-
2 powered to prepare and adopt and promulgate rules and
3 regulations for the carrying into effect of the foregoing pro-
4 visions of this Act, including rules and regulations for the
5 selection of members and the mode of procedure of con-
6 ference.

7 SEC. 16. That all questions of fact arising under the
8 foregoing provisions of this Act shall, except as otherwise
9 herein provided, be determined by said board, and there shall
10 be no appeal from the decision of said board on any such
11 question of fact; but there shall be a right of appeal from
12 said board to the Supreme Court of the District of Columbia
13 from any ruling or holding on a question of law included
14 in or embodied in any decision or order of said board, and,
15 on the same question of law, from said court to the Court of
16 Appeals of the District of Columbia. In all such appeals
17 the corporation counsel shall appear for and represent said
18 board.

19 SEC. 17. That any person who violates any of the fore-
20 going provisions of this Act shall be deemed guilty of a mis-
21 demeanor, and upon conviction thereof shall be punished by
22 a fine of not less than \$25 nor more than \$100, or by impris-
23 onment for not less than ten days nor more than three months,
24 or by both such fine and imprisonment in the discretion of the
25 court.

11 SEC. 18. That any employer who discharges or in any
2 other manner discriminates against any employee because
3 such employee has served or is about to serve on any confer-
4 ence, or has testified or is about to testify, or because such
5 employer believes that said employee may serve on any con-
6 ference or may testify in any investigation or proceedings
7 under or relative to this Act, shall be deemed guilty of a
8 misdemeanor, and upon conviction thereof shall be punished
9 by a fine of not less than \$25 nor more than \$100.

10 SEC. 19. That prosecutions or violations of the provi-
11 sions of this Act shall be on information filed in the police
12 court of the District of Columbia by the corporation counsel
13 of said District, or any of his assistants duly authorized to act
14 for him.

15 SEC. 20. That if any woman worker shall be paid by
16 her employer less than the minimum wage to which she is
17 entitled under or by virtue of an order of said board, she may
18 recover in a civil action the full amount of her said minimum
19 wage less any amount actually paid to her by said employer,
20 together with such attorney's fees as may be allowed by
21 the court: and any agreement for her to work for less than
22 such minimum wage shall be no defense to such action.

23 SEC. 21. That said board shall, on or before the first
24 day of January, of the year nineteen hundred and nineteen,
25 and of each year thereafter, make a report to the Commis-

1 sioners of the District of Columbia of its work and the pro-
2 ceedings under this act during the preceding year.

3 SEC. 22. That there is hereby appropriated the sum of
4 \$5,000 per annum, or so much thereof as may be necessary
5 to carry into effect the provisions of this Act, and to pay
6 the expenses and expenditures authorized by or incurred
7 under this Act, said sum to be payable one half out of any
8 money in the Treasury not otherwise appropriated and the
9 other half out of the revenues of the District of Columbia.

10 SEC. 23. That this Act shall be known as the "District
11 of Columbia minimum wage law." The purposes of said
12 Act are to protect the women and minors of the District
13 from conditions detrimental to their health and morals re-
14 sulting from wages which are inadequate to maintain de-
15 cent standards of living, and the Act in each of its provisions
16 and in its entirety shall be interpreted to effectuate these
17 purposes.

18 SEC. 24. That the law shall become operative six
19 months after the date of its enactment.

65TH CONGRESS, }
2D Session. } **H. R. 10367.**

A BILL

To protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and to provide penalties for violation of this Act.

By **Mr. KEATING.**

MARCH 1, 1918.—Referred to the Committee on the District of Columbia and ordered to be printed.